

Exhibit 8

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March 5, 2019

By Certified Mail

Office of Information Programs and Services
A/GIS/IPS/RL
Department of State, SA-2
Washington, DC 20522-8100

Re: Freedom of Information Act Request

Dear FOIA Officer:

My law firm represents over 1,200 American veterans and civilians, and their families (including over 150 Gold Star Families), in connection with deaths and injuries caused by terrorists in Iraq. On behalf of our clients, we filed a lawsuit against pharmaceutical and medical device companies that contracted with the Iraqi Ministry of Health, alleging that they funded terrorists who killed or wounded thousands of Americans in Iraq. As part of our investigation of these allegations, and on behalf of our clients who have made great sacrifices in connection with America's involvement with Iraq, we submit this request under the Freedom of Information Act, 5 U.S.C. §§ 552, et seq. ("FOIA") for copies of the records described below.

Background

The State Department, and its sub-agencies, components, or departments, maintains an electronic or digital repository of diplomatic "cables," telegrams, and other electronic communications sent or received by or from the State Department, its consulates, embassies, and diplomatic missions around the world.¹ We understand from FOIA Branch Chief Jeanne Miller that this repository is **fully text searchable**.² We also believe that, in addition to traditional

¹ See, e.g., Brian Palmer, *What's a "Diplomatic Cable"?*, SLATE (Nov. 29, 2010), <https://slate.com/news-and-politics/2010/11/wikileaks-has-released-thousands-of-confidential-diplomatic-cables-what-s-a-cable-and-why-are-we-still-using-them.html> ("As such, **every electronic message that's classified as a cable is uploaded into a database for permanent storage.**"') (emphasis added).

² See also Ben Bain, *State Department will get SMART*, FEDERAL COMPUTER WEEK (Jun 20, 2008), <https://fcw.com/articles/2008/06/20/state-department-will-get-smart.aspx> (the State Messaging and Archive Retrieval Toolset, or "SMART system will incorporate Microsoft's Outlook tools and allow users to use Google's search software to search and retrieve agency records and communications."').



cables, the State Department repository includes certain noteworthy e-mails referred to as “record e-mails.”³

Records Requested

Complete copies of all diplomatic telegrams, cables, “record e-mails,” and similar electronic communications concerning **Iraq** and/or **Baghdad**, sent or received by anyone representing the U.S. Department of State and/or its organizational components found using *either* of the following Boolean searches:⁴

Search One

(“Ministry of Health” or “Health Ministry” or “Minister of Health” or MOH or Kimadia or Kemadia or Kimadiya) AND (corrupt* or bribe* or kickback* or embezzle* or Mahdi or Mehdi or Jaysh or Jaish or JAM or OMS or Sadr* or “Special Groups” or “Special Group” or Zamili or Adel or Adil or “black market”)

Search Two

(corrupt* or bribe* or kickback* or embezzle* or pharma* or medicin* or medical or drug*) AND (Sadr* or Zamili or OMS or Jaysh or Jaish or Mahdi or Mehdi or JAM or “Special Groups” or “Special Group”)

The relevant time period for this request is: **June 1, 2004 through December 31, 2011.**

Please search for responsive records regardless of format, medium, or physical characteristics. Where possible, **please produce records electronically in PDF format**. If any responsive records are currently classified or restricted distribution, we ask that you submit the records for declassification in accordance with Executive Order 13526, and all other relevant regulations, policies and orders governing declassification of documents.

For any responsive records, or portions of records, you deem covered by any applicable FOIA exemption, 5 U.S.C. § 552(b) prescribes the appropriate process: “[a]ny reasonably segregable portion of a record shall be provided...after deletion of the portions which are

³ See Barry Fulton, Ph.D., *State Gets SMART*, AMERICAN DIPLOMACY (Nov. 2009), <http://americandiplomacy.web.unc.edu/2009/11/state-gets-smart/> (“In addition, SMART is introducing a hybrid between working e-mail and cables called record e-mail. **Like cables, record e-mails are deposited in the archive for search and sharing.**”) (emphasis added).

⁴ These Boolean searches use an asterisk (*) as both a universal character (a/k/a “wildcard”) and a root expander, which can also be denoted by an exclamation mark (!). For example, the search term “**Sadr***” is meant to capture any term that begins with “**Sadr**.”

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exempt under this subsection. The amount of information deleted, and the exemption under which the deletion is made, shall be indicated on the released portion of the record, unless including that indication would harm an interest protected by the exemption in this subsection under which the deletion is made. If technically feasible, the amount of the information deleted, and the exemption under which the deletion is made, shall be indicated at the place in the record where such deletion is made.”

I am willing to pay fees for this request up to a maximum of \$200. If the fees for this request exceed that amount, please inform me first.

Thank you for addressing this request. Do not hesitate to contact me with any questions or concerns, and please mail responsive materials to the address in the letterhead above.

Sincerely,



Dustin M. Lee
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